ASEAN begins accepting rule of law despite conflicts
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A report by the Human Resource Center (HRRC) shows that the 10 ASEAN countries are increasingly accepting the concept of the rule of law for human rights, but observers still voice concerns over lasting conflicts within the grouping’s members.

Critics have suggested that ASEAN’s non-interference principle is the source of continued human violations in some member countries.

“We must remind our ASEAN political leaders that a human rights violation is a human rights violation wherever you are,” said Param Cumaraswamy, a former UN Special Rapporteur for judicial independence and impartiality, during a conference on the rule of law for human rights in the ASEAN in Jakarta recently.

Param underlined that the present conflict between Cambodia and Thailand must be a source of concern and shame to the ASEAN community.

“With the ‘non-interference in the internal affairs’ of ASEAN states expressly provided in the [ASEAN] charter, a law regime rule for the region may be wishful thinking at least at this point of time,” he added.

HRRC’s study, released in Jakarta earlier this week, showed a growing consensus among ASEAN countries that the rule of law is essential to strengthen democracy and promote and protect fundamental human rights.

“With the ASEAN Charter and ASEAN integration, the rule of law has been taken across as a principle that all ASEAN countries need to adhere to, regardless of their style of governance,” said Mahdev Mohan of the Law School of Singapore Management University when announcing the study’s results.
Nevertheless, there are differences on how ASEAN member states apply the principal in their governance practices, he added.

Kevin Y.L. Tan, a law professor from Singapore, said that before the ASEAN charter, there was not a clear connection between the rule of law, human rights and good governance in the region.

"After the ASEAN Charter there was a clear packaging of these principals together. We have seen it in the Charter, various documents that have followed the Charter and some practices in state embassies in ASEAN," he said. "This report is the first of many outcomes that our center hopes to generate in the future. It signifies our commitment and contribution toward the advancement of research and capacity building on human rights issues in the region," said HRRC executive director and founding chairman Marzuki Daruman.

The Indonesian Permanent Representative to ASEAN, I Gede Ngurah Swajaya, said the study played an important role in promoting human rights in the ASEAN region as the research was conducted independently to provide input on the application of human rights to the government within the 10 ASEAN countries.

Human rights and good governance are closely tied to ASEAN’s aspirations regarding the advancement of education, science and economic development, according to US Ambassador to ASEAN, David L. Carden who was also present at the conference.

"To advance in all these areas, a system grounded in the rule of law is necessary," Carden said along with his fellow Ambassadors to ASEAN partner countries such as Britain, Canada and Switzerland, who also support and welcome the HRRC initial research report. (swd)